IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 14TH MARCH 2007 / 23RD PHALGUNA 1928

WP(C).No. 25102 of 2003(L)

PETITIONER:

PUTHALATH AHMED S/O. ABDULLA,
PANNIYANOOR AMSOM, CHAMPAD DESOM, KANNUR DISTRICT

BY ADV. SRI.C.KHALID
SRI.N.GOPINATHA PANICKER
SRI.P.VISWAMBARAN
SRI.R.O.MUHAMED SHEMEEM
SRI.T.P.SAJID (THALASSERY)

RESPONDENTS:
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1. THE DISTRICT COLLECTOR, KANNUR

2. THE FOREIGNERS REGISTRATION OFFICE/
SUPERINTENDENT OF POLICE, KOZHIKODE RURAL,
KOZHIKODE.

3. THE STATE OF KERALA, REPRESENTED BY THE
SECRETARY, DEPARTMENT OF HOME, SECRETARIAT,
THIRUVANANTHAPURAM.

4. THE GOVERNMENT OF INDIA, REPRESENTED BY
THE SECRETARY, MINISTRY OF HOME AFFAIRS,
LOK NAYAK BHAVAN, NEW DELHI-110 003

BY ADV. SRI.T.SANJAY, ADDL.CGSC
GOVERNMENT PLEADER SRI. MANOJKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 14/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 25102/2003 L

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE O.P. NO. 9555/96 DATED 1/12/99 BY THIS COURT.

EXT.P2. COPY OF THE JUDGMENT IN OP NO. 32567/2003 DT. 2/11/2001 BY THIS COURT.

EXT.P3. COPY OF THE EXPLANATION OF PETITIONERS COUNSEL WHILE RESUBMITTING THE APPLICATION OF LONG TERM STAY FACILITY ON 19/3/2003.

EXT.P4. COPY OF THE COMMUNICATION OF DIST. COLLECTOR TO C. KHALID, ADVOCATE ON 16/4/2003 RETURNING THE ORIGINAL APPLICATION AND CALLING FOR SEPARATE APPLICATION FOR LONG TERM STAY.

EXT.P5. COPY OF THE APPLICATION FOR LONG TERM STAY FACILITIES ADDRESSED TO THE DIST. COLLECTOR WITHTRIPLICATE AND DOCUMENTS AND TREASURY CHELAN FOR RS. 15/- ON 23/4/2003 SENT THROUGH THE SUPERINTENDENT OF POLICE (MARKED AS EXT. P12 IN WPC NO. 16915/2003)

EXT.P6. COPY OF THE SUPERINTENDENT OF POLICE REQUESTING TO FORWARD THE APPLICATION FOR LONG TERM STAY TO DIST. COLLECTOR.

EXT.P7. COPY OF THE JUDGMENT IN WPC NO. 16915/03 PASSED ON 2/6/2003.

EXT.P8. COPY OF THE BAIL PASSED BY THE HIGH COURT IN BA NO. 443/2003.

EXT.P9. COPY OF THE COMMUNICATION TO PETITIONER'S WIFE SUBAIDA SENT BY DIST. COLLECTOR ON 5/7/2003 IN INSTRUCT THE PETITIONER TO SEND B FORM APPLICATION.

EXT.P10. COPY OF THE B FORM APPLICATION SUBMITTED BY PETITION BEFORE DIST. SUPERINTENDENT OF POLICE ON 10/7/2003.

EXT.P11. COPY OF THE REVISED APPLICATION FORWARDED TO SECRETARY, HOME AFFAIRS GOVT. OF INDIA THROUGH SECRETARY HOME AFFAIRS GOVT. OF INDIA THROUGH SECRETARY HOME STATE GOVT. ON 10/7/2003 WITH POSTAL RECEIPT.

EXT.P12. COPY OF THE COMMUNICATION BY DIST. COLLECTOR DENYING THE RECEIPT OF APPLICATION FOR LONG TERM STAY ISSUED ON 16/7/2003.

EXT.P13. COPY OF THE ORDER DT. 2/12/2002 NO. 26021/25/2001-IC-1 MINISTRY OF HOME AFFAIRS.

True copy

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KURIAN JOSEPH, J.

W.P.(C) No.25102 of 2003

Dated 14th March, 2007.

J U D G M E N T

The writ petition is filed mainly with the following prayers :-

> (i) "To call for the records leading to Ext.P12 order dated 16.7.2003 passed by the first respondent, District Collector and other connected records and quash the same by a writ of certiorari or any other appropriate writ order or direction;
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> (i) To issue a writ in the nature of mandamus or other writ order or direction commanding the 1st and 2nd respondents to forward Ext.P5 application dated 23.4.2003 for long term stay facility, Ext.P10 B Form application submitted as directed by the 2nd respondent and Ext.P11 revised application for the same relief along with the documents and report to Home Department State of Kerala and direct the 3rd respondent Secretary Home Department to forward the same or the application already submitted to the 4th respondent Secretary Home Affairs, Government of India."

It is stated in Ext.P12 itself that the petitioner had not submitted the application with the required credentials. Petitioner submits that the credentials have been submitted subsequently. There will be a direction to the first respondent to look into the matter afresh with notice to the petitioner and in case the required credentials have been submitted by the petitioner, the application will be duly forwarded to the Government within one month from the date of receipt of a copy of the judgment. On receipt of the application, the Government will consider the same and pass

appropriate orders in accordance with law, within another four months. The interim order passed by this Court will continue till such time.

The writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

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KURIAN JOSEPH, J

O.P.No. of 2002

J U D G M E N T

Dated 14th March, 2007.